

**REMARKS**

This Application has been carefully reviewed in light of the Office Action electronically transmitted March 30, 2007. Applicants previously cancelled Claims 2, 8, 14, and 20 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

**Section 102 Rejections**

Claims 1, 5-7, 11-13, 17-19, 23-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,718,550 issued to Lim et al. ("*Lim*"). Applicants respectfully traverse these rejections. For example, *Lim* fails to recite, expressly or inherently, every element of Claim 1 for several reasons.

Claim 1 recites:

A method of communicating data between a client and a server comprising:

initiating a participating application for transmitting packets between a client and a server, wherein the participating application participates in a transport protocol;

initiating a non-participating application for transmitting packets between the client and the server, wherein the non-participating application does not participate in the transport protocol;

determining whether a quad of a packet is in a list of non-participating connections to the server;

in response to determining that the quad of the packet is in the list, transmitting the packet on a non-participating path through the non-participating application; and

in response to determining that the quad of the packet is not in the list, transmitting the packet on a participating path through the participating application.

First, *Lim* fails to disclose "determining whether a quad of the packet is in a list of non-participating connections to the server." As Applicants previously noted, the Examiner, in addressing this element of Claim 1, refers to a portion of *Lim* that merely discusses the use of a remote method table and a local method table to identify dispatch methods associated with client representations. *Office Action*, p. 6. In particular, the cited portion discloses only that:

In another aspect of the invention, a distributed client/server computing system is provided which includes a plurality of client representations, a remote method table and a local method table... In contrast, the local method

table is arranged to identify local dispatch methods associated with a second set of the client representations. The local dispatch methods are arranged to cause invocation requests to pass to a servant without being routed through the transport layer, thereby reducing the computing overhead associated with the invocation of local objects.

Col. 2, ll. 39-42, 51-57.

The cited portion of *Lim* does not however disclose “determining whether a quad of a packet is in a list of non-participating connections to the server.” The cited portion of *Lim* makes no reference whatsoever to any “quad,” nor does the cited portion disclose determining whether anything is “in a list of non-participating connections to [a] server.”

Moreover, as Applicants previously noted, the Examiner has provided no basis or explanation for the Examiner’s assertion that “local method table corresponds to ‘a list of non-participating connections to the server.’” *Office Action*, p. 6. *Lim* itself clearly indicates that the method table “contains a list of pointers” that point to a set of stub functions (Col. 6, ll. 61-67, emphasis added), not “a list of non-participating connections to the server.” Thus, the system of *Lim* fails to disclose “determining whether a quad of a packet is in a list of non-participating connections to the server” (emphasis added) as required by Claim 1.

In response to this argument, the Examiner states that:

*Lim* teaches the use of method table dispatch 24 to determine if a process should be done in [sic] locally or remotely to server (Col 7 lines 7-17, Col 9 line 61- Col 10 line 14), which corresponds to “determining whether a quad of the packet is in a list of non-participating connections to the server.”

*Office Action*, p. 2, emphasis added.

Applicants respectfully reiterate, however, that the Examiner has provided no basis or explanation for the assertion the local method table comprises “a list of non-participating connections to the server.” Instead, *Lim* clearly indicates that the method table “contains a list of pointers” that point to a set of stub functions (Col. 6, ll. 61-67, emphasis added). Thus, the Examiner has not shown “determining whether a quad of a packet is in a list of non-participating connections to the server” (emphasis added) as required by Claim 1.

Second, as Applicants also noted previously, *Lim* does not disclose “determining whether a quad of a packet” is in any form of list. The cited portion of *Lim* makes no reference whatsoever to any “quad.” Thus, *Lim* fails to disclose “determining whether a quad of a packet is in a list of non-participating connections to the server” for at least this additional reason.

In response to this argument, the Examiner alleges that:

By definition, quad is a block of memory. Lim teaches the method table to determine if a process is local or remote process. The determination is based on the information regarding the process being determined. And the only form for the system to read the information, are blocks of memory that contains the information for the system to read.

*Office Action*, p. 2.

Applicants respectfully dispute the Examiner's assertion that "[b]y definition, quad is a block of memory." The present Application provides a different definition for "quad" from the one advanced by the Examiner. Specifically, the present Application states that:

In the TCP/IP protocol, in order to properly route packets, it is necessary to use the source IP address and port number and the destination IP address and port number found in the packet header. These four quantities together will be referred to as a "quad."

*Application*, p. 11, ll. 24-27, emphasis added.

Thus, the cited portion of *Lim* does not discuss "determining whether a quad of a packet" is in any type of list. Consequently, *Lim* also does not disclose "determining whether a quad of a packet is in a list of non-participating connections to the server" for this reason as well.

Third, as Applicants also previously noted, because *Lim* fails to disclose "determining whether a quad of a packet is in a list of non-participating connections to the server," *Lim* also fails to disclose any elements that include the limitation "in response to determining that the quad of the packet is in the list." Thus, *Lim* also fails to disclose "in response to determining that the quad of the packet is in the list, transmitting the packet on a non-participating path through the non-participating application" as required by amended Claim 1.

As a result, *Lim* fails to recite, expressly or inherently, every element of Claim 1. Claim 1 is thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 7, 13, 19, and 25 include elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not disclosed by the cited reference. Claims 7, 13, 19, and 25 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 7, 13, 19, and 25, and their respective dependents.

Furthermore, several dependents of Claim 1 are allowable for additional reasons. For example, Claim 6 recites:

The method of Claim 1, further comprising determining whether to add a quad associated with the client to the list based on a security status of the client.

*Lim* fails to recite, expressly or inherently, every element of Claim 6. For example, *Lim* fails to disclose “determining whether to add a quad associated with the client to the list based on a security status of the client.” In addressing this element, the Examiner cites a portion of *Lim* that states simply that:

Secure Protocol 42 is a secure interoperability protocol that secures the internet inter-ORB protocol and helps to transmit information through transport layer 38 in a secure fashion. This may mean integrity protection, confidentiality, etc. The internet inter-ORB protocol is a protocol that typically communicates between processes on different machines. However, in some cases, the internet inter-ORB protocol may communicate between process on the same machine. The security server 54 is a security administration server that secures the services that are used between processes on different computers.

Col. 5, l. 60 - col. 6, l. 3.

This portion of *Lim*, however, fails to disclose any “list” nor any manner of “determining whether to add a quad...to the list” (emphasis added). The Examiner attempts to explain the rejection by asserting that:

[S]ecurity services are used between processes on different computers, so if a remote client is sending a packet to remote server, the security status of the client would be process on different computers, which is serviced by the participating application. Therefore the packets transmitted with the same machine which are having the different security status compared to the packet transmitted processed in different computers, are being determined to be added on the list for local processing[.]

*Office Action*, p. 2, emphasis added.

Applicants respectfully note that the Examiner has provided no evidence that “packets” in the system of *Lim* are added to any form of “list.” This is simply a conclusion of the Examiner that is unsupported by the disclosure of *Lim*. *Lim* does not therefore disclose “determining whether to add a quad associated with the client to the list based on a security status of the client” as recited by Claim 6.

As a result, *Lim* fails to recite, expressly or inherently, at least these additional elements of Claim 6. Claim 6 is thus allowable for at least these additional reasons. Applicants respectfully request reconsideration and allowance of Claim 6.

**Section 103 Rejections**

Claims 3, 4, 9, 10, 15, 16, 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over paper entitled “Transmission Control Protocol,” RFC: 793 (hereinafter “RFC 793”). Claims 3 and 4 depend from Claim 1. Claims 9 and 10 depend from Claim 7. Claims 15 and 16 depend from Claim 13. Claims 21 and 22 depend from Claim 19. Claims, 1, 7, 13, and 19 have all been shown above to be allowable. Claims 3, 4, 9, 10, 15, 16, 21, and 22 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 3, 4, 9, 10, 15, 16, 21, and 22.

**Conclusions**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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